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Ed Henry
Director - Finance

ORIGINAL

REDACTED - FOR PUBLIC INSPECTION

February 9, 2006

RECEIVED

EX PARTE

VIA HAND DELIVERY

FEB - 9 2006

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Room TW B-204
445 12th Street, S.W.
Washington, DC 20554

Federal Communications Commission
Office of Secretary

Re: *In the Matter of Petition of Qwest Corporation for Waiver of Depreciation
Regulation Pursuant to 47 C.F.R. § 1.3 - WC Docket No. 05-259¹*

Dear Ms. Dortch:

On January 30, 2006, Ed Henry and Jerome Mueller (in person), and Betty Knapp and Marti Gude (by phone), all of Qwest, met with Rodger Woock, Steve Morris, Fatina Franklin, Stephen Steckler, Rick Robinson, and Ronald Kaufman of the Wireline Competition Bureau to discuss the above-captioned Petition for Waiver.

During the meeting, the Commission staff requested that Qwest provide additional information relating to the curve shape parameter of the depreciation rate element of the pole attachment calculation. The attached document provides the requested information.

With this letter, Qwest is voluntarily submitting confidential material pursuant to both FCC Rules 47 C.F.R. §§ 0.457 and 0.459. Attached hereto is a redacted version of the confidential material which has been marked: "**REDACTED - FOR PUBLIC INSPECTION**". The confidential data is competitively sensitive information and should not be made available for public inspection. A release of this data would have a substantial negative competitive impact on Qwest. Qwest provides justification for such confidential treatment in the attached Appendix. If Qwest's request for confidential treatment of this information is denied by the Commission, Qwest requests that the information be returned to Qwest pursuant to § 0.459(e) of the Commission's Rules, 47 C.F.R. § 0.459(e).

¹ See Public Notice, 20 FCC Rcd 13836 (rel. Aug. 22, 2005).

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Ms. Marlene H. Dortch
February 9, 2006

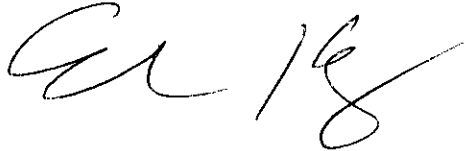
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A copy of this letter (in confidential form and marked "**CONFIDENTIAL – NOT FOR PUBLIC INSPECTION**"), with the confidential material appended thereto, is also being filed simultaneously today in WC Docket No. 05-259.

Pursuant to FCC Rule 47 C.F.R. § 1.1206(b), this ex parte presentation is being filed via hand delivery. An original and one copy are being submitted as well as one copy to be stamped as received and returned to the messenger who has been instructed to wait for it.

Please contact the undersigned with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'ES 1/8', is written over the signature line.

Enclosures (Redacted Material, Appendix)

cc: Tamara Preiss (Tamara.Preiss@fcc.gov)
Fatina Franklin (Fatina.Franklin@fcc.gov)
Steven Morris (Steve.Morris@fcc.gov)
Richard Robinson (Richard.Robinson@fcc.gov)
Ronald Kaufman (Ronald.Kaufman@fcc.gov)
Rodger Woock (Rodger.Woock@fcc.gov)
Stephen Steckler (Stephen.Steckler@fcc.gov)

APPENDIX

Confidentiality Justification

Qwest requests confidential treatment of the data being provided, because the data contains information which is competitively sensitive and would have a negative competitive impact on Qwest were it made publicly available. Such data should be afforded confidential treatment under both 47 C.F.R. § 0.457 and § 0.459.

47 C.F.R. § 0.457

The data in Attachment 1 are confidential and proprietary to Qwest as “commercial or financial information” under Section 0.457(d). Disclosure of such information to the public would risk revealing company-sensitive proprietary information in connection with its business plans. Therefore, in the normal course of Commission practice this information should be considered “Records not routinely available for public inspection.”

47 C.F.R. § 0.459

The data in Attachment 1 are also subject to protection under 47 C.F.R. § 0.459, as demonstrated below.

Information for which confidential treatment is sought

Qwest requests that Attachment 1 be treated on a confidential basis under Exemption 4 of the Freedom of Information Act. The spreadsheet, Attachment 1, contains competitively-sensitive data which Qwest maintains as confidential and is not normally made available to the public. Release of the data would have a substantial negative competitive impact on Qwest.

Commission proceeding in which the information was submitted

In response to a request from Rodger Woock, Steve Morris, Fatina Franklin, Stephen Steckler, Rick Robinson and Ronald Kaufman of the Wireline Competition Bureau regarding *Petition of Qwest Corporation for Waiver of Depreciation Regulation Pursuant to 47 C.F.R. § 1.3* – WC Docket No. 05-259.

Degree to which the information in question is commercial or financial, or contains a trade secret or is privileged

The financial information designated as confidential is detailed confidential commercial financial data and accounting information. As noted above, the data is competitively sensitive information which is not normally released to the public as such release would have a substantial negative competitive impact on Qwest.

Degree to which the information concerns a service that is subject to competition; and
Manner in which disclosure of the information could result in substantial competitive
harm

This type of information would generally not be subject to routine public inspection under the Commission's rules (47 C.F.R. § 0.457(d)), demonstrating that the Commission already anticipates that release of this kind of information likely could produce competitive harm.

Measures taken by Qwest to prevent unauthorized disclosure; and availability of the
information to the public and extent of any previous disclosure of the information to third
parties

Qwest has generally treated the information in question as confidential and has protected it from disclosure to parties outside the company.

Justification of the period during which Qwest asserts that the material should not be
available for public disclosure

Qwest cannot determine at this time any date on which this information should not be considered confidential or would become stale for purposes of the current inquiry, except that the information would be handled in conformity with general Qwest records retention policies, absent any continuing legal hold on the data.

Other information that Qwest believes may be useful in assessing whether its request for
confidentiality should be granted

Under applicable Commission and court rulings, the information in question should be withheld from public disclosure. Exemption 4 of the Freedom of Information Act shields information that is (1) commercial or financial in nature; (2) obtained from a person outside government; and (3) privileged or confidential. The information in question satisfies this test.

